
TITLE 313 INDIANA STATE MUSEUM AND HISTORIC SITES CORPORATION

Final Rule

LSA Document #11-726(F)

DIGEST

Adds 313 IAC concerning artifacts, historic property, ethics, and property use at the Indiana State Museum and Historic Sites Corporation. Effective 30 days after filing with the Publisher.

313 IAC

SECTION 1. 313 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 313 INDIANA STATE MUSEUM AND HISTORIC SITES CORPORATION

ARTICLE 1. ACQUISITION AND DISPOSITION OF ARTIFACTS AND HISTORIC PROPERTY

Rule 1. Applicability

313 IAC 1-1-1 Purpose

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 1. This article provides standards for the acquisition and disposition of artifacts and historic property by the corporation.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 1-1-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 1-1-2 Authority for acquisition and disposition of artifacts and historic property

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 2. (a) The authority for acquisition and disposition of an artifact rests with the corporation chief executive officer or a delegate. The authority for acquisition and disposition of an artifact with restrictions rests with the board.

(b) The authority for acquisition and disposition of historic property rests with a committee of the board made up of the treasurer, vice chairperson, and two (2) members at large.

(c) An action taken under subsection (a) is subject to administrative review by the board and an action taken under subsection (a) involving restrictions rests with the board's executive committee.

(d) An action taken under subsection (b) is subject to administrative review by the full board.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 1-1-2](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

ARTICLE 2. DEFINITIONS

Rule 1. Definitions

313 IAC 2-1-1 Applicability

Authority: [IC 4-37-1](#); [IC 4-37-2](#)

Affected: [IC 4-37](#)

Sec. 1. The definitions in this rule apply throughout this title.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 2-1-2 "Accession" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 2. "Accession" means the acquisition of an artifact for inclusion in the curatorial collection of the corporation.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-2](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 2-1-3 "Artifact" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4](#)

Sec. 3. "Artifact" means a natural or man-made object or material constituting historic property.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-3](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 2-1-4 "Board" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-2-1](#); [IC 4-37-3-1](#)

Sec. 4. "Board" means the board of trustees of the corporation established by [IC 4-37-2-1](#).

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-4](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 2-1-5 "Corporation" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-2-1](#)

Sec. 5. "Corporation" means the Indiana state museum and historic sites corporation.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-5](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 2-1-6 "Corporation chief executive officer" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-2-5](#)

Sec. 6. "Corporation chief executive officer" means the chief executive officer of the corporation.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-6](#); filed Sep 11, 2012, 2:31 p.m.:
[20121010-IR-313110726FRA](#))

[313 IAC 2-1-7](#) "Curatorial collection" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 7. "Curatorial collection" means artifacts acquired and preserved by the corporation for their potential value as examples, reference materials, or objects of aesthetic or educational importance.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-7](#); filed Sep 11, 2012, 2:31 p.m.:
[20121010-IR-313110726FRA](#))

[313 IAC 2-1-8](#) "Deaccession" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 8. "Deaccession" means an acknowledgment that an artifact is no longer in the curatorial collection of the corporation and may include transfer of the artifact to another person if the transfer is noted on the museum register.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-8](#); filed Sep 11, 2012, 2:31 p.m.:
[20121010-IR-313110726FRA](#))

[313 IAC 2-1-9](#) "Historic property" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 9. "Historic property" means any:

- (1) historic site;
- (2) historic structure; or
- (3) other personal or real property;

located on or in a historic site or historic structure.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-9](#); filed Sep 11, 2012, 2:31 p.m.:
[20121010-IR-313110726FRA](#))

[313 IAC 2-1-10](#) "Historic site" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-7](#)

Sec. 10. "Historic site" means any site that is important to the:

- (1) general;
- (2) archeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;

- (8) industrial;
- (9) geological;
- (10) paleontological; or
- (11) cultural;

history of Indiana. A historic site includes any adjacent property that is necessary to the preservation or restoration of the site.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-10](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 2-1-11](#) "Historic structure" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-7](#)

Sec. 11. "Historic structure" means any structure that is important to the:

- (1) general;
- (2) archeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;
- (8) industrial;
- (9) geological;
- (10) paleontological; or
- (11) cultural;

history of Indiana. A historic structure includes any adjacent property that is necessary to the preservation or restoration of the structure.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-11](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 2-1-12](#) "Museum register" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 12. "Museum register" means a log where:

- (1) each acquisition by the corporation is assigned a number; and
- (2) information is recorded with respect to the acquisition.

The information may include the date and source of the acquisition and a brief description of the acquisition.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-12](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 2-1-13](#) "Site" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-7](#)

Sec. 13. "Site" includes any:

- (1) aboriginal mound;
- (2) fort;
- (3) earthwork;
- (4) village location;
- (5) burial ground;

- (6) ruin;
- (7) mine;
- (8) cave;
- (9) battleground;
- (10) shipwreck;
- (11) other similar location on land or underwater; or
- (12) location that contains or once contained a structure.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-13](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 2-1-14](#) "Structure" defined

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-7](#)

Sec. 14. "Structure" means any man-made construction.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 2-1-14](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

ARTICLE 3. ARTIFACTS

Rule 1. Evaluation of Proposals to Sell, Exchange, or Accept Gifts or Otherwise Acquire Artifacts

[313 IAC 3-1-1](#) Purpose and objective

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4](#)

Sec. 1. (a) This article establishes procedures for evaluating the merits of proposals to sell, exchange, or accept gifts of artifacts under [IC 4-37-4-2](#).

(b) The corporation seeks, by implementation of these procedures, to collect, preserve, and interpret artifacts and materials reflecting the cultural and natural history of Indiana.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 3-1-2](#) General priorities for artifact accession

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 2. Artifacts are accessioned by the corporation with consideration for collecting priorities as follows:

(1) The highest priority is accorded to documented artifacts that provide information from which to reconstruct:

- (A)** Indiana history;
- (B)** regional history; or
- (C)** natural history.

Geographic coverage must consider significance on a national or international level for interpretation of particular areas, for example, popular culture. The artifact becomes a permanent voucher for that information.

(2) A second priority is accorded to undocumented artifacts that have comparative value for

identification as those described in subdivision (1), or that serve as reference specimens, where documented artifacts are not included in the permanent collection.

(3) A third priority is accorded to artifacts that do not meet the standards set forth in subdivision (1) or (2), but may be integrated by the corporation into educational programming.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-2](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 3-1-3](#) Considerations affecting priorities

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4](#)

Sec. 3. Considerations that affect the collecting priorities described in section 2 of this rule include the following:

(1) Whether the artifacts are relevant to the powers and duties of the section of museums as set forth in [IC 4-37-4](#).

(2) Whether the corporation can:

- (A) interpret and disseminate information provided by a study of the artifacts; or
- (B) make those artifacts available for scholarly study.

(3) Whether the corporation is able to provide for the storage, protection, and preservation of the artifacts.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-3](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 3-1-4](#) Action by the corporation chief executive officer for the accession of artifacts; exception; administrative review by board of trustees

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 4. (a) Except as provided under subsection (b), the corporation chief executive officer shall determine whether to accept or reject an artifact for accession.

(b) No artifact may be rejected based upon the consideration set forth under section 3(3) of this rule unless the board determines that the corporation is unable to provide for the storage, protection, and preservation of the artifact.

(c) The board may accept restricted title to an artifact.

(d) A determination under this section is subject to administrative review by the board if the review is requested within thirty (30) days of notice of the determination.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-4](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 3-1-5](#) Accession of artifacts; authority of grantor or donor to act

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 5. The following standards shall be satisfied for the accession of artifacts, whether the resulting accession is by purchase, exchange, or gift:

(1) The person providing the artifact must establish to the satisfaction of the corporation that the person is the owner of that artifact.

(2) The corporation must receive unrestricted title to the artifact, except as otherwise provided by

section 4 of this rule.

(3) To the extent practicable, an artifact will be delivered to the corporation with full literary rights, copyrights, patents, and trademarks.

(4) To the extent practicable, an artifact will be free from physically hazardous attributes.

(5) An artifact may be appraised only at the initiative and expense of the person seeking the appraisal. No employee of the corporation may provide an appraisal of any kind except for use exclusively by the corporation.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-5](#); filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)

[313 IAC 3-1-6](#) Deaccession of artifacts; general criteria

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4](#)

Sec. 6. Deaccession shall be performed by the corporation in a manner that is cautious, deliberate, and scrupulous and is in keeping with section 1 of this rule. An artifact to be considered for deaccession must meet at least one (1) of the following criteria:

(1) The artifact is not included within the duties of the corporation under [IC 4-37-4-2](#) and its accession priorities under section 2 of this rule.

(2) The artifact lacks physical integrity.

(3) The artifact fails to retain its identity or authenticity.

(4) The artifact is misplaced for at least two (2) years or is stolen.

(5) The artifact is duplicated by another artifact in the permanent collection of the corporation.

(6) Preservation of the artifact by the corporation is impracticable.

(7) The artifact is deteriorated beyond usefulness.

(8) The artifact has a doubtful potential for utilization in the foreseeable future.

(9) An absence of documentation, or inadequate documentation, critically reduces the value of the artifact.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-6](#); filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)

[313 IAC 3-1-7](#) Procedure for deaccession and disposition of artifacts

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4](#)

Sec. 7. (a) The corporation chief executive officer may, individually or on the initiative of the curatorial office, propose an artifact for deaccession and disposition. The proposal shall be delivered in writing to the board and must include the following information:

(1) The source of the artifact, if known.

(2) A criterion for deaccession as provided under section 6 of this rule.

(3) The estimated market value of the artifact.

(4) The means of transfer or disposal of the artifact, including whether the artifact should be sold to, donated to, or exchanged with another public or nonprofit museum or historical society.

(b) The board shall consider a proposal by the corporation chief executive officer under subsection (a) and may order deaccession of an artifact under terms and conditions found appropriate by the board. The board shall not act upon the proposal except during a public meeting of the board. An opportunity shall be provided to any interested person to comment in writing or during the public meeting on the proposal. No employee of the corporation may be disciplined or otherwise sanctioned by the corporation because the employee exercises the opportunity to comment provided under this subsection.

(c) The board may order any of the following:

(1) The destruction of an artifact that is deteriorated beyond usefulness.

(2) The removal from itemization with the permanent collection of the corporation of an artifact that is

misplaced for at least two (2) years or is stolen.

(3) The sale, donation, or exchange of an artifact with another public or nonprofit museum or historical society. However, the board may donate an artifact to a public or nonprofit museum or historical society under this subsection only if the museum or historical society is located in Indiana.

(4) The sale or exchange of any other artifact under [IC 4-37-4-2](#).

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-7](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 3-1-8](#) Compliance with precatory restrictions

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4](#)

Sec. 8. An artifact that is subject to a precatory restriction shall not be considered by the board under section 7(c) of this rule until the corporation makes a good faith effort to:

(1) comply with the restriction; and

(2) notify the individual, if living, from whom the artifact was accessioned.

If the individual is not living and the artifact was accessioned within the last twenty (20) years, the corporation shall make a good faith effort to notify the heirs or assigns of the decedent. If the heirs or assigns cannot be identified or located, the corporation shall give notice by publication in the newspaper having the greatest circulation in the county where the individual last resided, and in Marion County if the place of last known residence is outside Indiana.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-8](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 3-1-9](#) Prohibition on transfer of artifacts to corporation staff, boards, and families

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 9. No artifact from the permanent collection of the corporation shall be given, sold, or otherwise transferred to:

(1) an employee of the corporation;

(2) a board member of the corporation; or

(3) immediate families or representatives of a corporation employee or board member.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-9](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 3-1-10](#) Curatorial offices

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-2](#)

Sec. 10. (a) This rule is implemented through the corporation's curatorial offices.

(b) Collecting strategies are established for each curatorial office, providing for areas of coverage and standards of documentation, in the latest publication of the board entitled "Collection Management Policy".

(Indiana State Museum and Historic Sites Corporation; [313 IAC 3-1-10](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

ARTICLE 4. HISTORIC PROPERTIES

Rule 1. Evaluation of Proposals to Sell, Exchange, Accept Gifts, or Otherwise Acquire Historic Property

[313 IAC 4-1-1](#) Purpose and objective; exception for artifacts

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 1. (a) This rule establishes a procedure for evaluating the merits of proposals to sell, exchange, or accept gifts of historic properties under [IC 4-37-4-4](#).

(b) The corporation seeks, by implementation of this procedure, to also establish standards and criteria for the acquisition of historic properties under subsection (a).

(c) Where historic property is an artifact, this rule is controlled by [313 IAC 3-1](#).

(Indiana State Museum and Historic Sites Corporation; [313 IAC 4-1-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 4-1-2](#) Petition for acquisition of a historic site or a historic structure

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 2. (a) A person seeking to have Indiana acquire a historic site or a historic structure that would be administered by the corporation shall file a petition with the corporation chief executive officer signed by at least ten (10) residents of Indiana.

(b) The petition must be accompanied by an application completed on a corporation form.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 4-1-2](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 4-1-3](#) Procedure for evaluating a petition; recommendation by board; final action by corporation

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 3. (a) Upon the receipt of a petition and completed application as provided under section 2 of this rule, the corporation will:

- (1) perform historical or archeological research; and
- (2) gather data on structural needs, costs, and other information pertinent to a complete evaluation.

(b) The corporation will present to the board the results of the research and data collection described in subsection (a). Based upon that presentation, and upon other documentation that may be submitted to the board by an interested person, the board shall determine whether the property should be acquired.

(c) The recommendation of the board, under this section, may contain restrictions, terms, or conditions not included in the petition and application filed under section 2 of this rule.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 4-1-3](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 4-1-4](#) Factors for evaluating a petition

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 4. In evaluating a petition and application filed under section 2 of this rule, the corporation shall consider each of the following factors:

(1) Whether the property:

- (A) illustrates, interprets, or is identified with an important aspect of Indiana history or prehistory;
- (B) duplicates a state historic site already administered by the corporation;
- (C) retains its original appearance, setting, and materials;
- (D) has sufficient historical significance to justify the costs of acquisition, continued rehabilitation, and maintenance;
- (E) is readily accessible to the public;
- (F) has ready access to utilities; or
- (G) could generate future revenues.

(2) Other factors that promote the purposes of [IC 4-37](#) and this article.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 4-1-4](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 4-1-5](#) Procedure for authorization by the corporation for deaccession and disposition of historic property

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 5. (a) Before historic property is deaccessioned, the board shall consider and evaluate the property according to the factors contained in section 6 of this rule. The board shall not determine final action on a property deaccession except during a public meeting of the board. An opportunity shall be provided to any interested person to comment in writing or during the public meeting concerning whether the property should be deaccessioned. No employee of the corporation may be disciplined or otherwise sanctioned by the corporation because the employee exercises the opportunity to comment provided under this subsection.

(b) The board may direct that a public hearing be conducted for final action that is taken under subsection (a).

(Indiana State Museum and Historic Sites Corporation; [313 IAC 4-1-5](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 4-1-6](#) Factors for evaluating historic property

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-4](#)

Sec. 6. In evaluating whether historic property administered by the corporation should be deaccessioned, the corporation shall consider the following factors:

(1) Whether the property:

- (A) illustrates, interprets, or is identified with an important aspect of Indiana history or prehistory;
- (B) duplicates another state historic site administered by the corporation;
- (C) has sufficient historical significance to justify the costs of continued rehabilitation and maintenance;
- (D) is readily accessible to the public;
- (E) has ready access to utilities; or
- (F) currently generates or could generate future revenues.

(2) Other factors that promote the purposes of [IC 4-37](#) and this article.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 4-1-6](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

ARTICLE 5. ETHICS

Rule 1. Ethics

[313 IAC 5-1-1](#) Purpose and objective

Authority: [IC 4-37-5-6](#)

Affected: [IC 4-37-3](#)

Sec. 1. This article provides additional ethical requirements of the board and employees of the corporation. This article is supplemental to [40 IAC 2](#).

(Indiana State Museum and Historic Sites Corporation; [313 IAC 5-1-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 5-1-2](#) Appraisal prohibition

Authority: [IC 4-37-5-6](#)

Affected: [IC 4-37-5](#)

Sec. 2. No employee of the corporation may provide any financial appraisal of an artifact unless the appraisal is for use exclusively by the corporation.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 5-1-2](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

ARTICLE 6. PUBLIC USE OF CULTURAL AND HISTORIC SITES

Rule 1. Administration and Definitions

[313 IAC 6-1-1](#) Application

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37](#)

Sec. 1. This article applies to use by a person of any corporation property.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-1-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 6-1-2](#) Administration

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-3](#)

Sec. 2. (a) Except as provided in subsection (b), this article is administered by the corporation.

(b) This article does not apply to a person who has contracted with the corporation, if the person is conducting business of the corporation, or to any of the following while performing official duties for the corporation or its board:

- (1) An employee of the corporation.
- (2) A member of the board.
- (3) An employee of the board.
- (4) A member of the board advisory committee.
- (5) A law enforcement officer.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-1-2](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 6-1-3](#) Entrance and use requirements

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-3](#)

Sec. 3. The board may, in a master plan or by resolution, establish any of the following:

- (1) Fees for entrance into a corporation property or for a particular use within a corporation property.
- (2) Entrance and exit sites for a corporation property.
- (3) Conditions upon or prohibitions against particular uses within a corporation property or a portion of a corporation property.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-1-3](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 6-1-4](#) Definitions

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-1](#); [IC 9-13-2-196](#); [IC 9-25-2-4](#); [IC 14-8-2](#); [IC 14-19-1-0.5](#); [IC 14-31-1](#)

Sec. 4. In addition to the definitions in [IC 4-37-1](#) and [313 IAC 2-1](#), the following definitions apply throughout this article:

- (1) "Authorized representative" means the corporation chief executive officer or another person designated by the corporation chief executive officer.
- (2) "Berry" means the fruiting body of the following:
 - (A) A blackberry.
 - (B) A blueberry.
 - (C) A dewberry.
 - (D) An elderberry.
 - (E) A gooseberry.
 - (F) A huckleberry.
 - (G) A mulberry.
 - (H) A raspberry.
 - (I) A serviceberry.
 - (J) A strawberry.
- (3) "Corporation property" means land and water owned, licensed, leased, or dedicated under [IC 4-37](#) or [IC 14-31-1](#) or under easement to the state or managed by the corporation. The following areas are, however, exempted from the term:
 - (A) Public freshwater lakes.
 - (B) Navigable waterways.
 - (C) Buildings and grounds (other than those of the Indiana state museum) not located at historic sites.An area is not exempted because the corporation has issued a lease, license, or concession to another person.
- (4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.
- (5) "Fruit" means the fruiting body of the following:
 - (A) Apples.
 - (B) Cherries.
 - (C) Grapes.
 - (D) Hawthorns.

- (E) Persimmons.
- (F) Plums.
- (G) Pears.
- (H) Pawpaws.
- (I) Roses.
- (6) "Greens" means the aboveground shoots or leaves of the following:
 - (A) Asparagus.
 - (B) Dandelion.
 - (C) Mustard.
 - (D) Plantain.
 - (E) Poke.
- (7) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.
- (8) "License" means:
 - (A) a license;
 - (B) a permit;
 - (C) an agreement;
 - (D) a contract;
 - (E) a lease;
 - (F) a certificate; or
 - (G) any other form of approval;issued by the corporation. A license may authorize an activity otherwise prohibited by this title.
- (9) "Mushroom" means edible fungi.
- (10) "Nut" means the seeds of the following:
 - (A) Hazelnuts.
 - (B) Hickories.
 - (C) Oaks.
 - (D) Pecans.
 - (E) Walnuts.
- (11) "Off-road vehicle" has the meaning set forth in [IC 14-8-2-185](#).
- (12) "Public road" means a public highway under [IC 9-25-2-4](#) that is designated by the corporation for use by the public.
- (13) "Recreation area" means an area that is managed by the corporation for specific recreation activities.
- (14) "Snowmobile" has the meaning set forth in [IC 14-8-2-261](#).
- (15) "Vehicle" has the meaning set forth in [IC 9-13-2-196\(d\)](#).
- (16) "Motorized cart" has the meaning set forth in [IC 14-19-1-0.5](#).

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-1-4](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

Rule 2. General Restrictions on the Use of Corporation Properties

[313 IAC 6-2-1](#) Posted special requirements

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-3](#)

Sec. 1. (a) A sign may be posted to:

- (1) authorize;
- (2) identify conditions upon; or
- (3) establish prohibitions against;

a particular use within a corporation property or a portion of a corporation property. A sign may close an area to entry by the public.

(b) A person must not violate a sign posted under this section.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 6-2-2](#) Trash, refuse, and sanitation

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-3](#)

Sec. 2. Trash, refuse, waste, garbage, glass, petroleum products, sewage, or another material must not be:

- (1) maintained, treated, or disposed of in a manner that violates a federal or state law; or
- (2) brought onto a corporation property for disposal.

A vehicle, boat, aircraft, waste receptacle, or personal item must not be washed except in a designated area.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-2](#); filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)

[313 IAC 6-2-3](#) Animals brought to corporation properties

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37](#); [IC 35-46-3-11.5](#)

Sec. 3. (a) A person who possesses a pet or service animal must:

- (1) keep the animal caged or on a leash not more than six (6) feet long; and
- (2) attend the animal at all times.

(b) If a pet or service animal appears likely to:

- (1) endanger a person or property; or
- (2) create a nuisance;

the owner may be required to immediately remove the pet or service animal from a corporation property.

(c) A person must not do the following:

- (1) Take a cat, a dog, or other pet to a:
 - (A) rental facility; or
 - (B) public building.

A service animal used by a person with a disability is exempted from this subsection.

- (2) Bring a horse or horseback ride on a corporation property.
- (3) Allow livestock or domesticated animals to enter or remain upon a corporation property. These animals may be removed by the corporation and disposed or held at the owner's expense.
- (4) Release an animal on corporation property.

(d) For purposes of this section, a pet is not a service animal under [IC 35-46-3-11.5](#).

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-3](#); filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)

[313 IAC 6-2-4](#) Smoking, fires, and flammable liquids

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37](#); [IC 16-41-37](#)

Sec. 4. (a) A person must not start or maintain a fire except in a public use area designated for that purpose. A fire must be extinguished immediately after use. An authorized representative may prohibit fires even in a designated area for public safety or to protect property.

(b) In accordance with [IC 16-41-37](#), smoking is prohibited on any corporation property. A person must extinguish a lighted match, cigarette, cigar, or similar item before entering a corporation property.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-4](#); filed Sep 11, 2012, 2:31 p.m.:
[20121010-IR-313110726FRA](#))

[313 IAC 6-2-5](#) Vehicles, trails, boats, and aircraft

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37](#); [IC 14-19-1-0.5](#)

Sec. 5. (a) A person must not operate a vehicle:

(1) at a speed greater than:

(A) thirty (30) miles per hour on straight, open stretches of road; or

(B) fifteen (15) miles per hour on steep grades or curves or where posted; or

(2) other than on a public road.

(b) A person must not park:

(1) a vehicle;

(2) a boat; or

(3) associated equipment;

except at a site designated by the corporation.

(c) A person must not operate a motorized cart on a corporation property except as follows:

(1) The person must demonstrate both of the following:

(A) The person holds a valid driver's license.

(B) The person:

(i) is at least sixty-five (65) years of age that is evidenced by the valid driver's license; or

(ii) has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.

(2) A motorized cart must, if operated between the hours of sunset and sunrise, have a lamp on the:

(A) front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; and

(B) rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.

(3) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.

(d) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:

(1) hike;

(2) bike; or

(3) ski;

except on a trail designated for the purpose.

(e) A person must not operate an off-road vehicle or a snowmobile on a corporation property.

(f) A person must not leave a vehicle or associated equipment at a corporation property unless the person is actively engaged in the use of a corporation property.

(g) A person must not land, taxi, take-off, park, or moor:

(1) an aircraft;

(2) a hang glider;

(3) an ultralite;

(4) a powered model aircraft; or

(5) a hot air balloon;

except at a site designated for that purpose or pursuant to a license.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-5](#); filed Sep 11, 2012, 2:31 p.m.:
[20121010-IR-313110726FRA](#))

313 IAC 6-2-6 Preservation of habitat and natural and cultural resources

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37](#)

Sec. 6. Except as authorized by a license, a person must not do any of the following within a corporation property:

- (1) Molest an animal den or bird nest.**
- (2) Take, chase, or collect any wild animal, other than a groundhog.**
- (3) Prospect for gold or other similar mineral.**
- (4) Damage or collect a plant or pick flowers. Exempted from this subdivision are the following:**
 - (A) Berries.**
 - (B) Fruits.**
 - (C) Nuts.**
 - (D) Fallen cones.**
 - (E) Mushrooms.**
 - (F) Leaves.**
 - (G) Greens.**
- (5) Pick:**
 - (A) berries;**
 - (B) fruits;**
 - (C) nuts;**
 - (D) fallen cones;**
 - (E) mushrooms;**
 - (F) leaves; or**
 - (G) greens;****on a nature preserve.**
- (6) Damage, interfere with, or remove:**
 - (A) a work of art;**
 - (B) an artifact;**
 - (C) a rock or mineral;**
 - (D) a shipwreck;**
 - (E) an archeological site;**
 - (F) a historic site;**
 - (G) a building; or**
 - (H) a sign.**
- (7) Place or maintain a:**
 - (A) structure;**
 - (B) device;**
 - (C) ramp; or**
 - (D) sign.**
- (8) Use a metal detector.**
- (9) Rock climb or rappel.**
- (10) Collect firewood.**
- (11) Dig or excavate any material from the ground, including prospecting.**
- (12) Regardless of whether taken lawfully, sell any material taken from a corporation property.**

Exempted from this section are materials taken under a license issued by the corporation that specifically authorizes the sale of the material.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-6](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 6-2-7 Campsites and camping

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-3](#)

Sec. 7. (a) A person must not place or maintain a camp, tent, or trailer except during periods and at

sites authorized by the corporation for camping. Between 11 p.m. and 7 a.m., a person must not occupy a site other than a designated campsite unless otherwise authorized by a written license.

(b) An individual at least eighteen (18) years of age must register with the site manager on behalf of the persons in a group. The responsible person registering for a campsite must remain with the group during the camping period. Campers under eighteen (18) years of age must be accompanied by a person at least eighteen (18) years of age.

(c) Camping period is to be established by site manager. At the end of the camping period, a camping family or group must vacate the property and remove all equipment.

(d) Quiet hours shall be observed from 11 p.m. until 7 a.m.

(e) A person must not dispose of refuse or garbage, except in a receptacle provided for that purpose.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-7](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 6-2-8](#) Other personal activities

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-3](#)

Sec. 8. (a) A person must leave a recreation area by 11 p.m. unless the person is engaged in an authorized activity.

(b) A person must not use an audible device in a way or at a time that unduly disturbs another person. As used in this subsection, "audible device" includes any of the following:

- (1) A radio.
- (2) A television.
- (3) An audiotape player.
- (4) A compact disc player.
- (5) A musical instrument.
- (6) A motor.
- (7) An engine.
- (8) An electronic generator.
- (9) A similar device that produces sound.

(c) A person must not operate a public address system, except according to a license.

(d) A person must not possess fireworks.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-8](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 6-2-9](#) Advertisements and solicitations

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-37-4-3](#)

Sec. 9. A person must not do the following:

- (1) Post a private notice or advertisement, except as approved by an authorized representative.
- (2) Solicit or engage in business, except as approved by an authorized representative.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-9](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

313 IAC 6-2-10 Use by private organizations

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-21.5](#); [IC 4-37](#)

Sec. 10. (a) This section governs the use of an area within a corporation property that is open to the public by a person to conduct any of the following:

- (1) A public meeting.**
- (2) A parade.**
- (3) A demonstration.**
- (4) A ceremony.**
- (5) A contest.**
- (6) A competition.**
- (7) A sporting activity.**
- (8) Any other special event.**

For purposes of this section, an area is not open to the public if the corporation chief executive officer or an authorized representative determines that the proposed activity would unduly disturb the environmental, biological, ecological, archeological, cultural, or historic characteristics of the area.

(b) An area open to the public may not be used by a person to conduct a public meeting, parade, demonstration, or ceremony unless the person has obtained a license for the use under this section.

(c) An application for a license designated in subsection (b) shall be delivered to the corporation at least thirty (30) days in advance of the proposed event and shall set forth each of the following:

- (1) The name, address, and telephone number of the applicant.**
- (2) The date, time, and duration of the proposed activity.**
- (3) An estimate of the number of individuals expected to attend and to participate in the activity.**
- (4) A statement of any equipment or facilities to be used in connection with the activity.**

(d) An area open to the public may not be used for a contest, competition, sporting event, or other similar activity unless authorized by a license. An application for a license under this subsection shall be delivered to the corporation at least thirty (30) days before the proposed event and shall set forth the following:

- (1) The name, address, and telephone number of the applicant.**
- (2) The date, time, and duration of the proposed activity.**
- (3) An estimate of the number of individuals expected to attend and participate in the activity.**
- (4) A description of any equipment or facilities to be used in connection with the activity.**

(e) To receive a license under subsection (c), the applicant must demonstrate each of the following:

- (1) The activity will not present or be conducted in a manner that will present a clear and immediate danger to public health or safety.**
- (2) The activity will not cause undue interference to other users of the area.**
- (3) The activity will not conflict with another license previously issued by the property manager.**
- (4) The activity is consistent with the:**
 - (A) property master plan; or**
 - (B) if a master plan has not been adopted, purposes for which the area was established.**
- (5) The activity is consistent with any site designated under subsection (g).**

(f) The site manager shall make an initial determination to issue or deny an application for a license sought under this section within a reasonable period of time after receipt of the application. The license may include conditions that are reasonably necessary to satisfy the purposes of this section.

(g) An area open to the public is available to the general public by reservation on a first-come, first-served basis.

(h) A license issued under this section does not authorize a person to establish, construct, or erect a

structure unless otherwise specified in the license.

(i) This section does not apply to a private expression of religious preference.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-2-10](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

Rule 3. Enforcement, Penalties, and Other Administrative Actions

[313 IAC 6-3-1](#) License sanctions

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-21.5](#); [IC 4-37](#)

Sec. 1. The corporation may file a complaint under [IC 4-21.5-3-8](#), or seek emergency relief under [IC 4-21.5-4](#), to revoke or suspend the license of a person who violates a term of the license, this article, or another law.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-3-1](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

[313 IAC 6-3-2](#) Ejection from a corporation property

Authority: [IC 4-37-4-3](#)

Affected: [IC 4-21.5](#); [IC 4-37](#)

Sec. 2. (a) A site manager or another authorized representative may:

- (1) require a person to leave a corporation property; or
- (2) otherwise restrict a person's use of a corporation property.

(b) An ejection or restriction imposed under subsection (a) is effective immediately and applies for twenty-four (24) hours unless the site manager or other authorized representative specifies a shorter duration.

(c) Notwithstanding subsection (b), a site manager or another authorized representative may designate in writing that the ejection or restriction shall remain in effect for not more than one (1) year. An ejection or restriction under this subsection is subject to administrative review to the board under [IC 4-21.5](#).

(d) An ejection or restriction imposed under this section may be made applicable to:

- (1) all or a portion of particular corporation property;
- (2) multiple corporation properties; or
- (3) all corporation properties.

(Indiana State Museum and Historic Sites Corporation; [313 IAC 6-3-2](#); filed Sep 11, 2012, 2:31 p.m.: [20121010-IR-313110726FRA](#))

LSA Document #11-726(F)

Notice of Intent: [20111130-IR-313110726NIA](#)

Proposed Rule: [20120411-IR-313110726PRA](#)

Hearing Held: July 19, 2012

Approved by Attorney General: September 5, 2012

Approved by Governor: September 11, 2012

Filed with Publisher: September 11, 2012, 2:31 p.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Laura J. Minzes, Deputy Director, Historic Sites Structures and Land,

Posted: 10/10/2012 by Legislative Services Agency
An [html](#) version of this document.